

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD SCOTT PHIFER,

Defendant.

No. 05-CR-4102-DEO

ORDER ADOPTING REPORT AND  
RECOMMENDATION ON PETITION  
TO REVOKE SUPERVISED RELEASE

Before the Court is Chief Magistrate Judge Paul A. Zoss's Report and Recommendation On Petition to Revoke Supervised Release. Docket No. 55.<sup>1</sup> Judge Zoss recommends that the Court deny the Government's Government's Petition to Revoke Supervised Release (Docket No. 46) and instead modify Phifer's conditions of supervised release. No objections to the Report and Recommendation have been filed and the parties have consented to early termination of the objection deadline of January 26, 2011.

The Court has reviewed the Report and Recommendation, along with the entire file, and finds Judge Zoss's analysis and recommendations are appropriate and correct. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation in its entirety. For the reasons set forth therein, the Court finds

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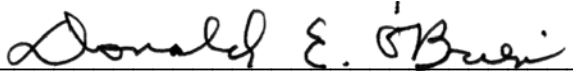
<sup>1</sup> Although the contents of the Report and Recommendation will not be repeated, it is hereby referenced and incorporated as if fully set out herein.

by a preponderance of the evidence that Phifer violated the terms and conditions of his supervised release. The Government's Petition to Revoke Supervised Release (Docket No. 46) is **DENIED**.

Phifer's conditions of supervised release are hereby **MODIFIED** to require his successful completion of inpatient alcoholism treatment at Community Family Resources Agency in Fort Dodge, Iowa, as soon as space becomes available there. The U.S. Probation Office has notified the Court that a space at this facility is available for Mr. Phifer as of Friday, January 21, 2011. Accordingly, Mr. Phifer will be released from U.S. Marshal custody by 3:00 p.m. today, January 20, 2011, to allow him adequate time to make transportation arrangements for his arrival at the facility on January 21, 2011.

Following his successful completion of inpatient alcoholism treatment, Phifer shall reside in a Residential Reentry Center (RRC) for a period of up to 180 days, under terms and conditions to be determined by the U.S. Probation Officer and the RRC manager.

**IT IS SO ORDERED** this 20th day of January, 2011.

  
Donald E. O'Brien, Senior Judge  
United States District Court  
Northern District of Iowa